Article - Family Law

§9–107.

(a)   (1)   In this section the following words have the meanings indicated.

(2)   (i)   "Disability" means:

1.   a physical or mental impairment that substantially limits one or more of an individual's major life activities;

2.   a record of having a physical or mental impairment that substantially limits one or more of an individual's major life activities; or

3.   being regarded as having a physical or mental impairment that substantially limits one or more of an individual's major life activities.

(ii)   "Disability" shall be construed in accordance with the ADA Amendments Act of 2008, P.L. 110–325.

(3)   "Supportive parenting services" means services that may assist an individual with a disability in the effective use of techniques and methods to enable the individual to discharge the individual's responsibilities to a child as successfully as an individual who does not have a disability, including nonvisual techniques for individuals who are blind.

(b)   (1)   In any custody or visitation proceeding, the disability of a party is relevant only to the extent that the court finds, based on evidence in the record, that the disability affects the best interest of the child.

(2)   The party alleging that the disability of the other party affects the best interest of the child bears the burden of proving that the disability of the other party affects the best interest of the child.

(3)   If the burden of proof is met, the party who has a disability shall have the opportunity to prove that supportive parenting services would prevent a finding that the disability affects the best interest of the child.

(4)   If the court finds that the disability of a party affects the best interest of the child and denies or limits custody or visitation, the court shall specifically state in writing:

       (i)   the basis for the finding; and

       (ii)   the reason that the provision of supportive parenting services is not a reasonable accommodation to prevent the finding.